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**ZONING AND PLATTING COMMISSISON SITE PLAN
CONDITIONAL USE PERMIT
REVIEW SHEET**

CASE NUMBER: SPC-2011-0047CT **ZONING AND PLATTING COMMISSION**
HEARING DATE: March 6, 2012

PROJECT NAME: Weirdos Austin

ADDRESS: 12408 North Mopac Blvd

APPLICANT: Sharon Ma
P.O. Box 9075
Austin, TX 78766-9075

AGENT: Permit Partners (David Cancialosi) **Phone:** 799-2401
7105 Barnsdale Way
Austin, TX 78745

CASE MANAGER: Nikki Hoelter Phone: 974-2863
Nikki.hoelter@austintexas.gov

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit for a cocktail lounge. Currently there are 2 existing buildings which are used as a restaurant. In addition, outdoor entertainment is being proposed which also requires a conditional use permit within the CS-1 zoning district. The outdoor entertainment use is to permit outdoor staged music and seating. Building #1 is one story and 3273 square feet; building #2 is one story and 892 square feet. A third building is proposed which will be 110 square feet and used only for showers. An additional use is on the site 2 volleyball courts which are defined as outdoor recreation. The owner obtained a site plan exemption to permit the volleyball courts in 2010.

Off-site accessory parking will be provided on the abutting Texas Department of Transportation property to meet the required parking standard for the proposed uses. Staff has received a copy of the parking lease between the owner and TXDOT which permits the parking for the proposed use.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit for the cocktail lounge and outdoor entertainment use. Adequate parking will be provided for the uses through on site and off site accessory parking. The site plan will comply with all requirements of the Land Development Code prior to release.

PROJECT INFORMATION

SITE AREA	79897.5 sq. ft.	1.834 acres
EXISTING ZONING	CS-1-CO	
WATERSHED	Walnut Creek	
WATERSHED ORDINANCE	Comprehensive Watershed Ordinance (Suburban)	
TRAFFIC IMPACT ANALYSIS	Not required	
CAPITOL VIEW CORRIDOR	None	
PROPOSED ACCESS	Mopac Blvd.	

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	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	2:1	.04:1	.05:1
BUILDING COVERAGE	95%	3273	4275 sq. ft.
IMPERVIOUS COVERAGE	80%	21.51%	46.98%
PARKING	137	unknown	79 on site; 59 off-site on TXDot lot;

SUMMARY COMMENTS ON SITE PLAN:

The proposed cocktail lounge and outdoor entertainment use will be located on an existing site used currently as a restaurant with volleyball courts. The applicant plans to provide a building which will have showers. The off-site accessory parking lot will be located directly adjacent to the subject site; however no vehicular access is permitted across the lots. There is an existing access from the TXDot parking lot to Waters Park Road. The majority of all vehicular access will be from Mopac Boulevard. The outdoor entertainment use will consist of a deck covered by an awning.

The hours of operation for the all the uses on site will be Monday through Sunday, 10 am to 2 am.

The site was recently rezoned to CS-1-CO to allow for the two conditional uses of cocktail lounge and outdoor entertainment. The conditional overlay associated with the zoning prohibits adult oriented business use. The outdoor sports and recreation (volleyball courts) and the off site accessory parking use are permitted uses within the CS-1 zoning district and do not require a conditional use permit. The TXDot property is designated as right of way, and through the lease agreement between the owner and TXDot allows the parking.

COMPATIBILITY

The nearest single family residential lot to the site is 705 feet, however SF-2 zoning is within 375 feet from the subject site, but this lot is dedicated as drainage, water quality and wastewater easement. The site complies with compatibility, trees and shrubs will be planted along Waters Park Road to comply with Commercial Design Guidelines, and meet compatibility screening. The subject site meets, building height, building setback, parking and driveway setback requirements for compatibility standards.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CS-1-CO	Restaurant and volleyball courts
<i>North</i>	Parmer Ln./GR/RR/SF-2	Right of way, little league baseball field, easements and single family residence
<i>South</i>	CS/RR/GR-CO	Warehouses
<i>East</i>	Mopac	Right of way
<i>West</i>	RR	Little league baseball fields

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
Mopac	Varies	Approx. 440'	Major Arterial
Waters Park Road	Varies	Approx. 18'	

NEIGHBORHOOD ORGNIZATIONS:

511—Austin Neighborhoods Council

742—Austin Independent School District

786—Home Builders Association of Greater Austin
1037—Homeless Neighborhood Assn.
1075—League of Bicycling Voters
1113—Austin Parks Foundation
1200—Super Duper Neighborhood Objectors and Appealers Organization
1224—Austin Monorail Project
1228—Sierra Club, Austin Regional Group
1236—The Real Estate Council of Austin, Inc

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CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

The following evaluation is included to provide staff's position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code (EVALUATION OF CONDITIONAL USE SITE PLAN) states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

B. A conditional use site plan must:

1. Comply with the requirements of this title;

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

2. Comply with the objectives and purposes of the zoning district;

Staff Response: The proposed cocktail lounge and outdoor entertainment use within the CS-1 zoning district. A rezoning was recently adopted by City Council for CS-1 and to address the future request for the 2 uses. The uses comply with the objectives and purposes of the zoning district.

3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;

Staff Response: The site plan will comply with all requirements of the Land Development Code. The site plan complies with setback, height, and compatibility requirements.

4. Provide adequate and convenient off-street parking and loading facilities; and

Staff Response: The site plan will create adequate off-street parking and loading for all uses on the site.

5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.

Staff Response: The site plan will comply with all requirements of the Land Development Code including Compatibility Standards, and reasonably protects the health, safety, and welfare of persons and property.

C. In addition, a conditional use site plan may not:

6. More adversely affect an adjoining site than would a permitted use;

The existing uses of a restaurant and volleyball courts are currently permitted in the zoning district. The proposed uses front and take access to a major arterial Mopac, and would not more adversely affect an adjoining site than would a permitted use.

7. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or

Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.

8. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign. Staff Response: All signs and lighting will comply with the Land Development Code.

D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure

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property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

In addition, Sec. 25-5-146 (CONDITIONS OF APPROVAL) states:

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

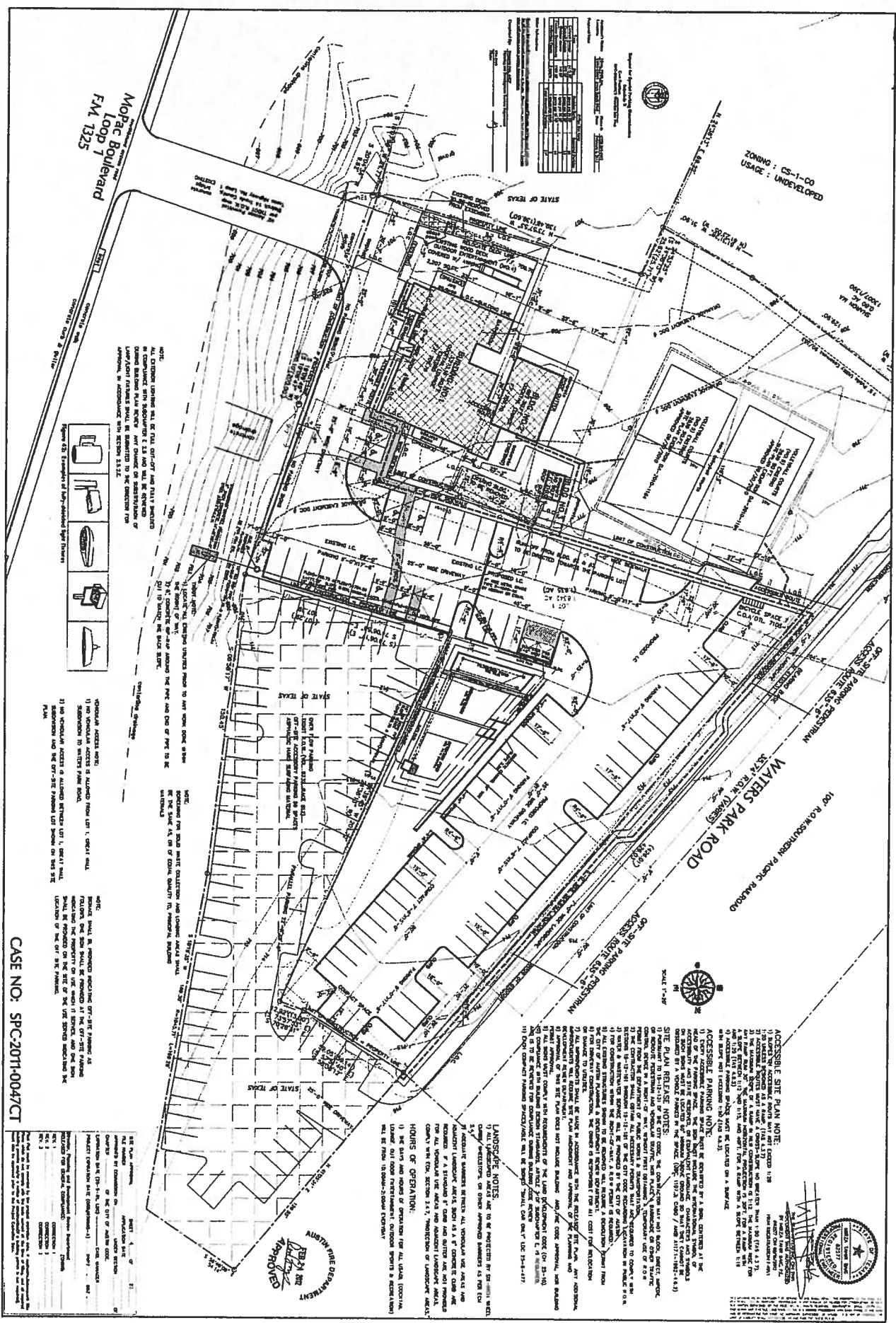
- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.

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SITE LOCATION MAP

GRID #L35 & MAPSCO PAGE 466



CASE NO: SPC-2011-0047CT

[illegible]

Project: **WEIRDOS AUSTIN**
1240B NORTH MOPAC BLVD
AUSTIN, TEXAS.

Title: **DIMENSIONAL SITE PLAN**

PROFESSIONAL STRUCTURAL ENGINEERS, INC.
CONSULTING CIVIL AND STRUCTURAL ENGINEERS
10700 RESEARCH BLVD., SUITE 300 ALPHARETTA, GA 30201 TEL: 404/242-1422 FAX: 404/242-0886

6	ISSUED FOR APPROVAL	03/06/92	
5	ISSUED FOR APPROVAL	02/22/92	
4	ISSUED FOR APPROVAL	02/07/92	
3	ISSUED FOR APPROVAL	12/07/91	
2	ISSUED FOR APPROVAL	07/26/91	
1	ISSUED FOR APPROVAL	05/01/91	
0	ISSUED FOR APPROVAL	05/01/91	
Function	Concepts	Date	Drawn

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March 1, 2012

Dear Cecelia,

Balcones Youth Sports would like the opportunity to thank Wierdo's for being a major contributor to our youth sports program. We appreciate your sponsorship of the youth teams for the past 2 plus years as well as all the support, effort & organization of the "Helmets for Heath" fundraiser for the Eiland family. It was a tremendous event helping one of the Balcones Families in their time of need.

We consider Wierdo's a good neighbor and if there is anything we can do for you please let us know. I look forward to our partnership in serving our area kids long into the future. Hopefully we can get the parking issue addressed to the mutual benefit of our organization as well as Wierdo's.

Sincerely,

Mike Krall

President

Balcones Youth Sports

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December 12, 2011

To Weirido's Management,

I have worked and lived at Waters Park for the last couple of years and have experienced some of the loud noise from Weirido's. When weirido's first opened, I was living at the back part of our property, and there were only 2 or 3 times that I could hear inside of my apartment the announcers or when yall had live bands. When Waters Park residents started to have a major problem with Weirido's we held a meeting with some representatives from the city. They came to talk with our residents about the sounds ordinances and suggestions they planned on making to Weirido's. One of the suggestions they had was turning the speakers towards Mopac, instead of towards Waters Park's land. Since that meeting that we had with our residents about a year ago we have stopped getting complaints in the office. And since then I have moved to the front part of the property where the majority of the residents were having the problem. I have been on this side of the property since June of this year and I have not once heard any noise from Weirido's in my apartment. If I do go out on my patio at night I can barely hear any noise. The noise is as faint as the humming I hear from the traffic on Parmer and Mopac. Attached to this letter is a property map that shows what building I live in and the direction my patio faces.

I love having a place like Weirido's in my back yard. It is a great hang out, and all of the employees have been so nice. If there is anything thing else I can do, please let me know!

Sincerely,

Allison Dupler

WALNUT CROSSING WEIRDOS IMPACT SURVEY

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I do not mind a successful business if they do not disturb me at night with their music and obey the laws and ordinances

11/22/10 3:41 AM View Responses

Yes, maybe our neighbors bickering and moaning is the reason some businesses have failed in the past. I don't want a homeless camp there so I'd like this place to succeed even though I never go there and probably never will.

11/23/10 7:33 PM View Responses

6. Generally speaking, do you consider a bar and music venue a suitable fit for that site on Mopac/Parmer?

	answered question	skipped question
Yes	87.2%	41
No	12.8%	6
	If No, please elaborate: Show Responses	6

COMMENTS:

I hadn't thought about it, and while it would not be my first choice(bar/music venue) now that it is there and successful I really want to see it succeed. I have heard the noise occasionally, but it doesn't bother me at all on GABLE (Arlingst end)

11/20/10 5:14 PM View Responses

The noise generated can be significant, which is inappropriate for a neighborhood. My family was physically ill from the volume of bass which traveled unimpeded through the house structure to affect us inside.

11/20/10 6:21 PM View Responses

But they should be abiding by City Codes.

11/20/10 11:55 PM View Responses

I have had to call the police for noise ordinance violations when Weirdos music could be heard clearly across Mopac at the HEB (could hear lyrics clearly) and at our home in Milwood.

11/21/10 2:27 AM View Responses

The experience with Nemos and now Weirdos coupled with the experience several years ago nearby with the Iron Horse should demonstrate that amplified outdoor music is not a good fit this near to a residential neighborhood

11/22/10 3:41 AM View Responses

the prospect of noise

11/23/10 3:08 PM View Responses

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7. If a bar and music venue, either Weirdos or some other, exists anywhere on that Mopac access road, what time limits would you like to see placed on OUTDOOR music on each day?

Music should end by

	NO Outdoor Music Allowed	700 PM	800 PM	900 PM	1000 PM	1100 PM	midnight	100 AM	200 AM	No Limit/Don't Care	No Response Count
Monday	4.7% (2)	0.0% (0)	4.7% (2)	25.6% (11)	37.2% (16)	7.0% (3)	14.0% (6)	0.0% (0)	0.0% (0)	7.0% (3)	43
Tuesday	4.7% (2)	0.0% (0)	4.7% (2)	25.6% (11)	37.2% (16)	7.0% (3)	14.0% (6)	0.0% (0)	0.0% (0)	7.0% (3)	43
Wednesday	2.3% (1)	0.0% (0)	7.0% (3)	25.6% (11)	34.9% (15)	9.3% (4)	14.0% (6)	0.0% (0)	0.0% (0)	7.0% (3)	43
Thursday	2.3% (1)	0.0% (0)	4.7% (2)	23.3% (10)	32.6% (14)	14.0% (6)	16.3% (7)	0.0% (0)	0.0% (0)	7.0% (3)	43
Friday	2.3% (1)	0.0% (0)	2.3% (1)	4.7% (2)	11.6% (5)	25.6% (11)	32.6% (14)	2.3% (1)	9.3% (4)	9.3% (4)	43
Saturday	2.3% (1)	0.0% (0)	0.0% (0)	2.3% (1)	14.0% (6)	23.3% (10)	32.6% (14)	4.7% (2)	11.6% (5)	9.3% (4)	43
Sunday	2.3% (1)	0.0% (0)	4.7% (2)	27.8% (12)	37.2% (16)	4.7% (2)	9.3% (4)	2.3% (1)	4.7% (2)	7.0% (3)	43

Other (please specify)
Show Responses

6

answered question

43

skipped question

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WALNUT CROSSING WEIRDOS IMPACT SURVEY

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COMMENTS:

I would also say less volume, later is fine. And obviously later on holiday weekends would make sense for their business.

11/20/10 4:08PM View Responses

I don't care as long as they keep the overall volume and especially the bass levels under control.

11/20/10 6:21PM View Responses

My answers reflect the times outdoor music should end or be quiet enough that it doesn't keep us awake.

11/20/10 10:26PM View Responses

Not a concern

11/20/10 11:55PM View Responses

just comply with the noise ordinance! *so if we comply and you think its too loud its ok?*

11/21/10 2:27AM View Responses

First of all the city determines the times they can play by permit and how loud they can play, it is not the neighborhoods call.

11/22/10 3:41AM View Responses

. Weirdos has applied for a zoning change so that it may apply for a license to continue to sell liquor. While this is fairly routine, the neighborhood can affect the outcome of this request if there is a compelling interest to do so. If it fails to get this zoning change, the bar would likely have to shut down. Would you support or oppose the granting of the zoning change so that Weirdos can continue operations?

Yes, I would support the change and support Weiridos staying open.

Yes, I would support the change if Weiridos addressed some issues noted below.

No, I suppose the change and would like to see Weiridos close.

No opinion / Don't Care.

COMMENTS:

Weirdos needs to make new parking spaces for its own patrons so that they don't park all over the neighborhood and walk around after drinking too much through our streets.

11/19/10 3:03PM View Responses

do they contribute to fund raising at Summit? Balcones fields? WNXA?

11/19/10 3:21PM View Responses

I don't mind if music is played late. It's simply excessively loud at times. I've heard some played at a normal volume and it has not bothered me. However, on a recent Saturday evening, it was so loud that it penetrated to the very back bedroom in the house - where my 4 month old sleeps.

11/19/10 3:35PM View Responses

Keep the noise down late in the evening. I don't mind it so much in the early evening (or maybe the Mopac road noise drowns it out.)

11/19/10 4:17PM View Responses

I don't want drunk patrons driving through the neighborhood.

11/19/10 4:40PM View Responses

Support the Community, unlike Cool River, and give generously to Summit Elementary - be a school sponsor. I don't have children anymore at Summit, but I have been blown away by Cool Rivers lack of neighborhood support.

11/19/10 5:00PM View Responses

answered question skipped question	Response	Response Count
49	42.9%	21
1	40.8%	20
	8.2%	4
	8.2%	4
	90%	21
	Comments	
	Short Responses	

WALNUT CROSSING WEIRDOS IMPACT SURVEY

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Some people get upset about everything: fireworks at the Domain, music at a club. What bothers me is lawn mowers in the morning, and those idiotic leaf blowers. I don't see, or hear, a problem with weekend music or fireworks celebrations.

11/19/10 5:39PM View Responses
I support the idea of a neighbourhood pub, especially one where we can take the kids to play outside. It would be nice (and, I think, crucial to the success of the business) to enjoy a beer on the patio in the afternoon.

11/19/10 10:06PM View Responses

If they are respectful that there is a family oriented neighborhood behind them and that noise has to end at an early hour. Also to help keep their patrons from cutting through our neighborhood.

11/20/10 1:58AM View Responses

I do not want to see this business have to shut down. I see no problem with them having a liquor license.

11/20/10 4:08PM View Responses

Weirdos must control the volume of their outdoor music. The bass can travel through walls, and, as my family experienced, make people physically ill - no matter what time of day.

11/20/10 6:21PM View Responses

Complied with noise ordinance requirements.

11/20/10 (6:26PM) View Responses

I live close enough to hear Weirdos nightly, but haven't been particularly bothered by it. In warm weather, I have my windows open at night. I do think that amplified music outside should end around 10pm when many families are preparing for sleep. Do not know if there is a problem with intoxication disturbance or drunk driving in the area. If there is increased incidence of this, I likely would have a negative view of the bar.

11/20/10 11:09PM View Responses

parking: safety of patrons coming and leaving the site; signage; parking lot issues

11/20/10 11:55PM View Responses

I would not want Weirdos to continue to have direct access to Waters Park Road if they will be continuing to sell liquor, as that provides direct access to our neighborhood to possibly intoxicated drivers. We need to keep their traffic limited to MoPac access only.

11/21/10 2:27AM View Responses

The city has time requirements for music venues which Weirdo's has repeatedly ignored (no loud music after 10pm). It affects folks in the neighboring apartments most and we residents least. However, Weirdo's lack of concern for immediate neighbors and meeting city requirements shows that they are not a good business for our neighborhood. Success often means expansion, and if Weirdo's expands they will probably continue to ignore city guidelines about times to turn off the loud music.

11/22/10 2:46AM View Responses

Weirdos now is limited to 70 decibels at the property line and there are already many people who are disturbed by the noise especially in the Waters Park Apartments. If they are zoned to sell liquor they would be classified as a bar not a restaurant and would be allowed to have even louder music 80 or 85 decibels I believe. Absolutely not!!!!!!

11/23/10 3:41AM View Responses

When Weirdos first opened, I definitely heard the music in the evenings and considered it too loud. Lately, I have not noticed it as a problem. As long as Weirdos takes into account they their establishment is right next to a neighborhood and keeps the music down and turns it off when it gets late, I don't have a problem with the place.

11/23/10 5:27PM View Responses

They need to figure out a better parking situation.

11/23/10 6:12PM View Responses

Only if neighborhood concerns are addressed

11/23/10 1:05AM View Responses

Weirdos needs to change their stage to face MoPac so the sound is projected away from the neighborhood. I think this would solve a lot of the sound issues. - Done

11/23/10 5:14AM View Responses

9. ADDITIONAL COMMENTS/REMARKS:

will they help petition COA for sidewalks on Adelphi, Waters Park
11/19/10 3:21PM View Responses

Sidewalks?

WALNUT CROSSING WEIRDOS IMPACT SURVEY

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This is my only complaint. I'm happy that there is a successful business in the area. They simply need to respect the neighbors by keeping the music to an acceptable level at all times. I felt that evening that they were testing their limits.

11/19/10 3:35PM View Responses

I won't have an issue as long as their patrons respect our neighborhood and the drinking a driving is closely monitored so we do not endanger our community to drunk drivers.

11/19/10 3:50PM View Responses

Some people get upset about everything. Fireworks at the Domain, music at a club. What bothers me is lawn mowers in the morning, and those idiotic leaf blowers. I don't see, or hear, a problem with weekend music or fireworks celebrations.

11/19/10 9:39PM View Responses

I don't understand why Weirdos has to be so obtrusive to the neighborhood, when The Hideout, which has been in operation for years here, is no problem whatsoever. The Hideout is proof that a business can be successful without causing grief for the neighborhood.

11/19/10 10:06PM View Responses

The first time I went there appeared to be prostitutes entertaining men. That may have been separate from Weirdos, however the club seems to have a very adult atmosphere at night and it would be good if we had a location that appealed to families and adults.

11/20/10 1:38AM View Responses

I think it's great that Weirdos has become so successful and would hate to see it shut down. I think it was Halloween weekend that was excessively loud, but I haven't been bothered by it either before or after that.

11/20/10 3:32AM View Responses

There was one occasion (around Halloween) when we could not sit on our back porch and have a conversation because the music was so loud. I have to say that bothered us. But so long as this is not an every weekend thing I think we could live with it. I want them to be able to be in business but perhaps they could turn down the volume just a little? To their credit I believe it did end at 11pm that night. I do appreciate what they have accomplished at the site they are on and definitely want to see them succeed. Overall I feel they are very good neighbors.

11/20/10 4:03PM View Responses

If you live on the side of the Neighborhood closest to Weirdos, and you go outside, you can hear a lot of things: like cars driving down Mopac, Baseball games from the Balcones Baseball fields on Adelphi, Fireworks at the Domain, Trains coming down the track adjacent to Waters Park road. So, why would people have a problem with Weirdos? Because it's a Bar? If people don't like noise, or have some kind of expectation that they should be able to sit in their backyard at night and hear complete silence, they should just move out to the Country, where it's quiet. I don't see how a person can live within a mile of Mopac, and a train track, and businesses, and a baseball complex, and have any kind of reasonable expectation of silence. Surely, they knew where their house was located when they bought it, right?

11/20/10 5:49PM View Responses

Weirdos needs to address the parking issue along Waters Park which has become dangerous to patrons and drivers navigating that road. *only if your using it as a drive thru.*

11/20/10 6:21PM View Responses

Bless Weirdos for succeeding in what is really a godawful location with hideous access. If they can respect the noise ordinance and keep their traffic on Mopac only, they have my blessing.

11/21/10 2:27AM View Responses

If there is rear access to Weirdos, then a stop sign at O'Neal. It is difficult to see vehicles coming down Waters Park and the vehicles tend to move quickly.

11/21/10 4:50PM View Responses

Weirdos is out of compliance with more than one city guideline. I want to see them meet the city's requirements, which are not extreme. Their music is too loud and they have ignored the advice the city's music engineers gave them on how to mitigate the noise. Weirdos doesn't care about the neighborhood - they have no interest in talking with them. They should meet city guidelines for when to turn the music down.

11/22/10 2:46AM View Responses

Weirdos keeps crying to the news media about everyone picking on them. Come on! They did not have a site plan or the proper building permits for their construction. They violated fire dept codes for occupancy and parking. They have declined to work with the city sound people to abate their impact on their neighbors. I have no sympathy for them.

11/22/10 3:41AM View Responses

The winning and crying coming from my neighbors is far louder than anything coming from that bar. Ask Weirdos if they can turn their sound stage so the amps face Mopac. I'm sure they would be happy to do that in order to shut all of you up.

11/22/10 7:33PM View Responses

I would like to start pressuring the city to add road humps or bumps to Scribble. Too many people drive down Scribble very fast - noticeably greater than the speed limit. Perhaps this would top some of the traffic to/from Weirdos through our neighborhood.

11/23/10 5:14AM View Responses

Needs paved parking lots for all patrons Needs signage to prevent offsite parking Needs better traffic control for special events Should have to abide by all City Ordinances and Codes

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WALNUT CROSSING WEIRDOS IMPACT SURVEY

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11:30-10 11:49PM View Responses

10. Would you be interested in attending a meeting between Walnuts and the owners of Weirdos to discuss problems or issues?

		answered question	
		skipped question	
		Response	Response
		Percent	Count
Yes		26.7%	12
No		37.8%	17
I would prefer a meeting of Walnuts only before meeting with the owners		26.7%	12
Other (please specify)		8.9%	4
Show Responses			